

REMARKS

This is in response to the Office Action mailed August 31, 2006. Claims 2 and 10 have been canceled. Claim 1 has been amended. Claims 11-15 have been withdrawn. Claims 1, and 3-9 remain pending.

Support for the claim amendments can be found throughout the specification and specifically in Figure 1 and on page 3 lines 2-3 and page 6, line 27 to page 7, line 8 (dispenser is a non-aerosol and non-propellant dispenser); page 5, lines 9-13 (alkali salts of a C₆ to C₂₄ fatty acid); and page 5, lines 21-26 (additional ingredients selected from the group consisting of antioxidants, water softening agents, preservatives, solubilizers, colors, fragrances, pH modifiers, and water). It is believed that no new matter is presented with these amendments.

Rejections Under 35 U.S.C. §102

EP 0745665

The Office Action has rejected claim 1 under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over EP 0745665¹. Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to call out a non-aerosol and non-propellant dispenser for dispensing a liquid soap composition *consisting of* an alkali salt of a C₆ to C₂₄ fatty acid and optionally an additional ingredient selected from the group consisting of water, antioxidants, water softening agents, preservatives, solubilizers, color, fragrances, pH modifiers, and mixtures thereof. Applicant believes that these amendments distinguish the present invention from EP 0745665 for two reasons. EP 0745665 uses a two part composition that when combined produces a gas that mixes with a surfactant to produce a lather. See EP 075665 column 1, lines

¹ Applicant notes that the Office Action refers to EP 075665 and Applicant assumes that this is an error and the Office Action meant to refer to EP 0745665. If this is not correct, Applicant respectfully requests clarification.

45-51. Claim 1 as amended excludes aerosols and propellants in the dispenser. Also, EP 0745665 includes a broad definition of surfactant as well as a thickener. See EP 0745665 column 2, lines 23 and 35. Claim 1 as amended is limited to a composition consisting of an alkali salt of a C₆ to C₂₄ fatty acid, which does not include all surfactants and optionally an additional ingredient selected from the group consisting of water, antioxidants, water softening agents, preservatives, solubilizers, color, fragrances, pH modifiers, and mixtures thereof, which does not include a thickener. Accordingly, it is respectfully requested that this rejection be withdrawn.

McCue et al. (U.S. Pat. No. 5,403,587)

The Office Action has rejected claims 1-10 under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over McCue et al. (US 5,403,587).

Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to call out a non-aerosol and non-propellant dispenser for dispensing a liquid soap composition *consisting of* an alkali salt of a C₆ to C₂₄ fatty acid and optionally an additional ingredient selected from the group consisting of water, antioxidants, water softening agents, preservatives, solubilizers, color, fragrances, pH modifiers, and mixtures thereof. Applicant believes that these amendments distinguish the present invention from US 5,403,587 for two reasons. US 5,403,587 uses an aerosol and propellants. See column 5, lines 45-50 and column 5 lines 20-36. Claim 1 as amended excludes aerosols and propellants in the dispenser. Also, US 5,403,587 includes organic solvents and a broad range of surfactants as well as additional ingredients where some of the ingredient fall outside of claim 1 as amended. See column 4, lines 12-43 and 56-59 and the text at the bottom of column 4 and top of column 5. Claim 1 as amended is limited to a composition consisting of an alkali salt of a C₆ to C₂₄ fatty

acid, which does not include all surfactants and optionally an additional ingredient selected from the group consisting of water, antioxidants, water softening agents, preservatives, solubilizers, color, fragrances, pH modifiers, and mixtures thereof, which does not include some of the ingredients included in US 5,403,587. Accordingly, it is respectfully requested that this rejection be withdrawn.

Obviousness-Type Double Patenting Rejection

The Office Action has rejected multiple claims under the judicially created doctrine of obviousness-type double patenting. Applicant respectfully traverses this rejection. Applicant believes that this rejection is moot in light of claim 1 as amended. Accordingly, it is respectfully requested that this rejection be withdrawn.

Summary

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.

Application No. 10/825,389
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PATENT
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